

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL BARCLAY, et al

Serial No.: 09/901,421

Filed: JULY 9, 2001

For: METHOD AND APPARATUS FOR
PREVENTING RADIO
COMMUNICATION SYSTEM
ACCESS BY AN UNAUTHORIZED
MODEM

Examiner: Aravind K. Moorthy

Group Art Unit: 2131

Att'y Docket: 2000.053700

Customer No.: 23720

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on November 1, 2007, allowing all of the pending claims 1-25. The due date for paying the Issue Fee is February 1, 2008. This paper is being filed on December 3, 2007, therefore, it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner.

Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations. The Examiner characterized U.S. Patent No. 6,480,472 (*Jou*) as differing from the current application for a number of reasons. Although Applicants agree that *Jou* does not disclose all of the elements of claims of the present invention, Applicants do not concede to all of the Examiner's characterizations. *Jou* (and/or any other prior art of record) simply does not disclose determining if an authorization signal has been received from the base station at the user terminal within a specified period of time for the transmission of the authorization signal, and disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time. Characterizations of *Jou* made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

Should the Examiner have any questions, **the Examiner is invited to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4064.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: December 3, 2007

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